

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO.	1:19 CR 330
)		
Plaintiff,)	JUDGE DONALD C. NUGENT	
)		
v.)		
)		
GREGORY D.FRANKLIN, II,)	<u>MEMORANDUM OPINION</u>	
)	<u>AND ORDER</u>	
Defendant.)		

This matter comes before the Court upon Defendant, Gregory Franklin II's Motion to File Relation Back Under 15(c)(1)(B), and Motion to Clarify Response to Sur-Reply . (ECF #164, 177). Mr. Franklin's Motion to File Relation Back seeks permission to add a claim(s) of ineffective assistance of counsel to his prior motion for relief under 18 U.S.C. §2255. (ECF #162, 163). The Motion to clarify, requests clarification of the Court's ruling reinstating his Motion to File Relation Back and the establishment of a briefing schedule. The Government does not object to the establishment of a new scheduling order that would allow Mr. Franklin to consolidate any claims that he has raised in his connection with his Motion to File Relations Back. Therefore, Mr. Franklin shall have until July 3, 2024 to file an Amended Motion to Vacate Sentence under 28 U.S.C. §2255. The revised motion shall incorporate all relevant claims referenced in the filings related to his Motion to File Relation Back which have not otherwise

been resolved. In accordance with Rule 4 of the Rules governing motions under §2255:

(1) The Government shall have twenty (20) days to answer the revised Motion to Vacate.

The answer shall comply with Rule 5 of the Rules Governing Section 2255 Proceedings.

(2) Mr. Franklin shall then have thirty (30) days from the filing of the Government's answer to respond thereto.

Briefs filed by the parties shall contain a summary of the facts upon which they rely and shall, where applicable, make specific reference to those portions of the record upon which they rely (page or exhibit number). Briefs shall also contain statements of the applicable law and citations to relevant case and statutory authority.

IT IS SO ORDERED.


DONALD C. NUGENT
United States District Judge

DATED: May 31, 2024